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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/016,434  | 10/30/2001  | Hidekazu Tanigawa    | NAK1-AP28c          | 7928             |
| 21611   | 7590        | 02/02/2007           | EXAMINER            |                  |
| SNELL & WILMER LLP<br>600 ANTON BOULEVARD<br>SUITE 1400<br>COSTA MESA, CA 92626 |             |                      | SHANG, ANNAN Q      |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2623                |                  |
| SHORTENED STATUTORY PERIOD OF RESPONSE  | MAIL DATE   | DELIVERY MODE        |                     |                  |
| 3 MONTHS  | 02/02/2007  | PAPER                |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

|                              |                            |                     |  |
|------------------------------|----------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b>     | <b>Applicant(s)</b> |  |
|                              | 10/016,434                 | TANIGAWA ET AL.     |  |
|                              | Examiner<br>Annan Q. Shang | Art Unit<br>2623    |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 13 July 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 37-59 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 37-59 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | Paper No(s)/Mail Date. _____.                                     |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____.                         |

### **DETAILED ACTION**

1. During a telephone interview conducted on 12/27/06, Applicant indicated that newly added claim 48 (second preliminary amendment) have not been treated on the merits in the last office action. In view of this the finality of the last office action is hereby vacated and withdrawn and new office action is hereby being issued, treating all claims.

#### ***Response to Arguments***

2. Applicant's arguments filed 07/31/06 have been fully considered but they are not persuasive.

With respect to claims 37-48 rejected under 102(e) as being anticipated by **Young et al (5,479,268)** and the newly added claims 49-59, applicant discusses the claimed invention and the disclosure of Young and argues that, "Young's signal does not specify a structure for a graphical interactive picture. Young's structure is predefined with television viewing information shown in three columns and twelve rows..."

In response, Examiner disagrees. Examiner notes applicant's arguments, however, a picture by definition is a painting, drawing, design, visible representation, etc., made by various means (painting, drawing, photograph, etc.). Young discloses a visual picture or a series of menu screens with paintings (off shadow 34, black bar, solid painted, etc.) transmitted and received via a TV Programmable Tuner/Cable Decoder, overlays these screens on a TV/Monitor and enables a user, using a cursor to interact to perform various functions or selections (figs.1+, col.4, lines 36-col.5, line 25). Hence Young discloses all the claimed limitations, including "a graphical interactive picture."

Examiner maintains the 102(e) rejection of claims 37-48 and the newly added claims 48-59, as being anticipated by Young, is proper, meets all the claimed limitations as discussed below. **This office action is Non-Final.**

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 37-59 are rejected under 35 U.S.C. 102(e) as being anticipated by **Young et al (5,479,268)**.

As to claim 37, note the **Young** references figures 1-13 and 2A-22b, discloses user interface for TV Schedule system and further discloses a program receiver for displaying a graphical interactive picture by receiving a program transmitted from a program transmitter, the program receiver comprising:

Signal receipt means (Programmable TV Tuner/Cable Decoder 'TWT/CD' 202) for receiving for receiving a signal transmitted from the program transmitter (figs.22A-22B and col.12, lines 53-66), the signal being a multiplex signal including a program and

data specifying a structure of the graphical interactive picture 'GIP' (interactive TV schedule or guide, col. 12, line 53-col.13, line 2);

Signal separation means (Cable Decoder Unit 'CDU') for separating the signal received by the signal receipt means into a program signal and a GIP-structure specification data signal (col. 12, line 53-col.13, line 2);

First graphical interactive picture generation means (Video Display Generator 'VDG' 224) for generating the GIP based on the GIP-structure specification data signal from the signal separation means (col.13, lines 9-13); and

Display means (TV/Monitor 210) for displaying the GIP generated by the first GIP generations means (col.13, lines 9-13), note that CPU-228 retrieves interactive TV listing stored in Memory 232, receives a user interaction to specific cells of the guide using Cursor 32 or Remote Controller 'RC' 212 and controls VDG-224 to display on TV/Monitor 210 various graphical data based on the user interaction.

As to claim 38, Young further discloses storage means (Memory 232) for storing a plurality of basic picture elements in advance, the plurality of basic picture elements being figures composing the GIP manipulated by a user and the basic picture elements being identified by identifiers, and first GIP generating means for generating the GIP by combining the basic picture elements stored in the storage means (figs.1-7 and col.4, lines 37-col.5, line 14, lines 26-42, col.6, line 16-col.7, line 22).

As to claim 39, further discloses interactive manipulation means for inputting manipulation to the GIP displayed by the display means;

Basic action storage means (CPU/VDG 228/224) for storing a content of an action for updating the GIP-structure specification data; and second GIP generation means for retrieving the content of the action from and basic action storage means based on action information directing an update of the GIP upon receipt of the input manipulation from the interactive manipulation means to update the GIP-structure specification data to generate an updated GIP (col.4, lines 37-col.5, line 14, lines 26-42, col.6, line 16-col.7, line 22).

As to claim 40, further discloses where the first GIP generation means includes: a receipt decode unit (CDU) for receiving the GIP-structure specification data signal from the signal separation means to decode the same, a storage unit (Mem-232) for storing decoded GIP-structure specification 'GIPSS' data from the receipt decode unit, the GIPSS data being composed of a panel object definition including a plurality of pieces of panel object information, and a shape definition including a plurality of pieces of shape information, a first process unit for retrieving the GIPSS data from the storage unit, extracting the basic picture elements corresponding to the identifier by referring to the shape information from the storage unit in accordance with the retrieved GIPSS data, and for placing the extracted basic picture elements by referring to the panel object information, and first display control unit for controlling the display means to display the basic picture elements placed by first process unit as the GIP (col.4, lines 37-col.5, line 14, lines 26-42, col.6, line 16-col.7, line 22 and line 58-col.8, line 10).

As to claim 41, further the interactive manipulation means includes; an input manipulation acceptance unit (CPU-228) for accepting a user's input (via RC-212 or

Cursor 32 and Infrared Receiver 264, col.7, line 24-col.8, line 10 and col.13, lines 25-61), manipulation to the GIP, and an interactive signal transmission unit for transmitting the input manipulation accepted by the manipulation acceptance unit to the second GIP generation unit as an interactive signal and where the second GIP generation means includes: an interactive signal receipt unit for receiving the interactive signal from the interactive signal transmission unit, an interactive signal interpretation unit (CPU-228) for interpreting the interactive signal receipt unit; a GIPSS data update unit (CPU-228) for retrieving a content of action from the basic action storage means in accordance with the interactive signal interpreted by the interactive signal interpretation unit to update the GIPSS data in the storage unit (col.12, line 62-col.13, line 13), a second process unit for retrieving updated GIPSS data from the storage unit and for extracting the basic picture elements corresponding to the identifier from the storage to place the extracted display elements, and second display controlling the display means to display the basic picture elements placed by the second process unit as an updated GIP (col.7, lines 24-col.8, line 9; col.11, line 45-col.12, line 22 and col.12, line 62-col.13, line 54).

As to claim 42-43, Young further discloses information transmission means for transmitting the data of the GIP updated by the interactive manipulation means to the program transmitter (col.11, line 45-col.12, line 22 and col.14, lines 15-20).

As to claims 44-45, Young further discloses information record means for outputting data related to the GIP as per manipulation form the interactive manipulation means to make a record (col.11, line 45-col.12, line 22 and col.13, line 14-col.14, line 14).

As to claim 46, Young further discloses where the GIPSS data further includes a class definition including a plurality of pieces of class attribute (col.10, line 21-col.11, line 32).

Claim 47 is met as previously discussed with respect to claim 41.

As to claim 48, the claimed "A method of synthesizing a menu comprising..." is composed of the same structural elements that were discussed with respect to the rejection of claim 37, note that the CPU 228 retrieves interactive cells combines the cells and display as listing or menu of cells base on a synthesizing rule, a feature that enables the cells to be organized and displayed accordingly based on the rule or set of instructions.

As to claim 49, the claimed "A program receiver for displaying a graphical-interactive picture by receiving transmitted from a transmitter..." is composed of the same structural elements that were discussed with respect to the rejection of claim 37.

Claim 50 is met as previously discussed with respect to claim 38.

Claim 51 is met as previously discussed with respect to claim 39.

Claim 52 is met as previously discussed with respect to claim 40.

Claim 53 is met as previously discussed with respect to claim 41.

Claim 54 is met as previously discussed with respect to claim 42.

Claim 55 is met as previously discussed with respect to claim 43.

Claim 56 is met as previously discussed with respect to claim 44.

Claim 57 is met as previously discussed with respect to claim 45.

Claim 58 is met as previously discussed with respect to claim 46.

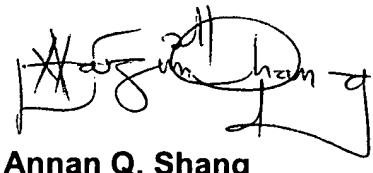
Claim 59 is met as previously discussed with respect to claim 47.

**Conclusion**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at **866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, call **800-786-9199 (IN USA OR CANADA)** or **571-272-1000**.



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